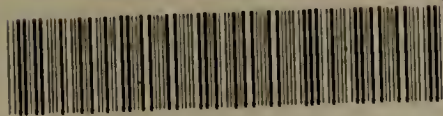


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Driving Voters Away?

Implementation of Motor Voter Laws in Massachusetts

A Report of the
Senate Committee on Post Audit and Oversight
May 1997

Massachusetts Senate

The Honorable Thomas F. Birmingham
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Senate Committee on Post Audit and Oversight

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The Senate Committee on Post Audit and Oversight works to ensure that state government is accountable to the citizens of the Commonwealth. The Committee's charge is to monitor compliance with federal and state laws, act as a watchdog to protect taxpayers from waste and fraud, evaluate the efficiency and effectiveness of state agencies and programs, and recommend corrective actions through legislation, regulation, or administrative initiatives.

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***“For how can the ‘consent of the governed’
be given, if the right to vote be denied?”***

-Susan B. Anthony

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Executive Summary

This report examines how the federal and state Motor Voter laws have been implemented in Massachusetts and recommends actions to improve how our state fulfills the requirements of these laws.

The right to vote is at the core of our democracy and holds elected leaders accountable to the people. Through elections, we decide the direction of our public life. Both the United States and the Commonwealth of Massachusetts enacted Motor Voter laws in 1993 to take down barriers to voter registration. These laws increased access to voter registration by requiring some state agencies to provide opportunities to register to vote. The Motor Voter laws are proud emblems of our traditions both of self-governance and expanding inclusion of citizens in public decisions.

As a result of the Motor Voter laws, citizens can now register to vote when they get their driver's license, apply for various benefits, or simply mail in a voter registration form. These forms can be obtained at places such as libraries and at voter registration drives conducted by non-profit organizations.

The Senate Committee on Post Audit and Oversight is troubled that Motor Voter Laws have not been fully embraced by some Massachusetts state agencies and that some citizens were denied the opportunity to vote in the November 1996 general election.

Basis for the Investigation

- A national study by Human SERVE in 1996 ranked Massachusetts last among 32 states for registrations at Departments of Motor Vehicles.
- News reports immediately after the 1996 general election highlighted voters registered under the Motor Voter laws who were denied access at the polls.
- The Senate Committee on Post Audit and Oversight documented more than 700 instances where citizens who thought they had registered to vote under Motor Voter laws were either denied their right to vote, forced to cast an escrow ballot,¹ or experienced significant difficulty during the November election.

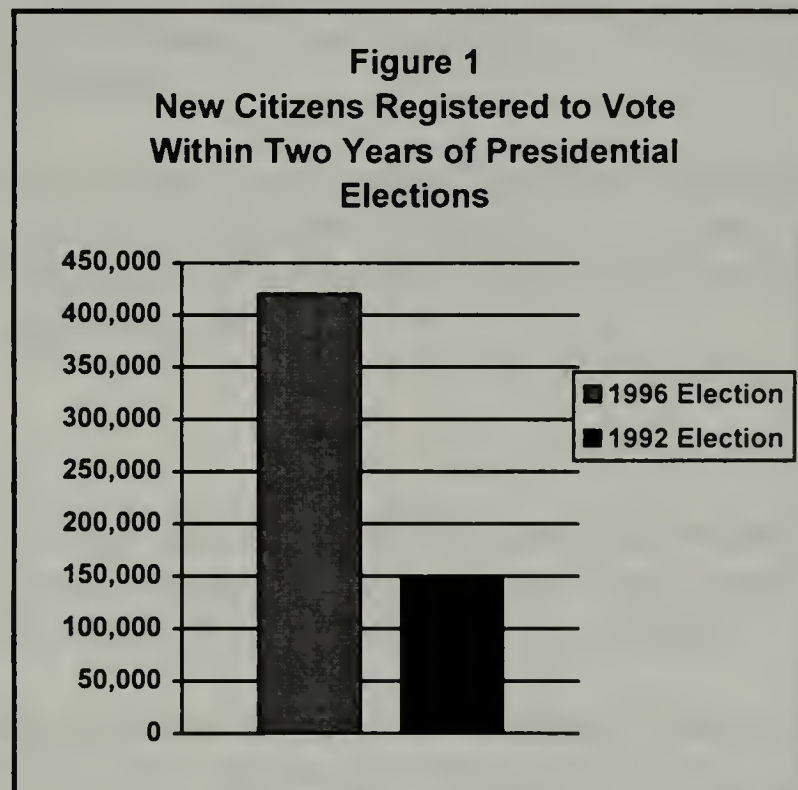
¹ An escrow ballot is sealed in an envelope and is only opened if a tie occurs or a recount is necessary.

The Bureau analyzed both federal and state Motor Voter laws and gathered information from state agencies charged with implementing the laws; sent undercover researchers to Registry of Motor Vehicles (RMV) branch offices to attempt to register to vote; interviewed RMV central office and branch office managers; and conducted a public hearing to solicit testimony from aggrieved voters, city and town clerks, organizations with an interest in Motor Voter laws, and officials from affected state agencies.

Overall, the Law Worked

The National Voter Registration Act of 1993 (the federal Motor Voter law) and Chapter 475 of the Acts of 1993 (the state Motor Voter law) established procedures to increase access to voter registration and thus increase the number of registered voters. The laws have succeeded in accomplishing this goal.

More than 428,000 additional people registered to vote since the implementation of Motor Voter laws in Massachusetts (January 1995 through December 1996). Citizens registered to vote on their own with mail-in registration forms, at the RMV while getting a license, or at any number of state agencies when they applied for benefits. Between November 1990 and October 1992, a comparable period prior to implementation of the Motor Voter laws, there were only 150,000 new registrants (see Figure 1).²



² Source: Jack McCarthy, Chief of Staff, Office of the Secretary of State. March 1997.

Moreover, the RMV developed a sophisticated computer program for registering individuals who conduct licensing transactions. The Human SERVE report rightly points out a slow start at the RMV: only 2,999 citizens were registered through the RMV in all of 1995. However, once the RMV went online with its new system, registrations soared.

As a direct result of the state's Motor Voter law, the Commonwealth now has a centralized voter registration computer system that facilitates the transmission of voter registration information between each of Massachusetts' 351 communities and the Secretary of State's office.

The RMV: A Mixed Record on Motor Voter

While the RMV should be applauded for its technological innovation, the agency was slow to embrace the Motor Voter program, did a poor job of training employees, and was the root of most of the documented election day problems. After a broad review of designated Motor Voter agencies, the Committee identified the RMV as the most significant source of problems with Motor Voter implementation.

Since 87 percent of adults nationally have a driver's license, departments of motor vehicles must play a vital role in any effort to develop a successful program. The Motor Voter program administered by the RMV must be administered effectively and enthusiastically in order to capitalize on this unique opportunity to increase voter registration. Today, the RMV continues to fall short of its potential.

The problems with the implementation of the Motor Voter laws can be fixed. The Committee's goal in issuing this report is to maximize the effectiveness of the Motor Voter program and develop a road map to re-establish trust in the Motor Voter registration process.

Findings

1. RMV employees lack training on Motor Voter and related election laws. As a result, Bureau researchers found RMV clerks unable to answer simple questions about the voter registration process.
2. Change of address forms at the RMV confused many potential registrants and created most of the problems and questions with eligibility on election day. One town clerk described it as the "infamous orange card," because it changed the address on a driver's license, but only changed voter registration if the individual moved within a city or town, not between communities.

3. Data entry problems at the RMV can corrupt voter registration lists. Names, addresses, and other information must be correct in order for city and town clerks to certify registrants. However, the RMV does not ask people to verify this information prior to completion of the licensing and voter registration process.
4. There is confusion over the RMV's obligations under state law. State law clearly designates the RMV as an official voter registration agency, which mandates that citizens should be given the option of registering to vote at every interaction with the agency. However, the Secretary of State and the RMV only used the federal law - which simply requires a registration option on licensing activities - to determine the RMV's obligations.
5. Voter Registration is inadequately promoted in RMV branch offices.
6. There is a lack of strong, enthusiastic leadership for Motor Voter laws within each RMV branch office.
7. The RMV has been at the forefront of Massachusetts state government in making information available through new technologies. Yet the registration mission of the RMV is not highlighted on the agency's World Wide Web homepage, telephone voice mail options, and electronic driver's license testing kiosks.
8. Despite the mandate for a Voter Registration Reform Advisory Commission under state law, the group has never held a single meeting.

Recommendations

1. The RMV in conjunction with the Secretary of State and city and town clerks should ensure that every RMV staff person – including temporary employees – is trained to register voters before working with the public.
2. Change of address forms should be clarified and revised to make change of voter registration automatic.
3. The RMV should improve data integrity through the licensing procedure. Clerks should be required to ask whether there is an apartment number in an address, and citizens should be given a chance to confirm their name and address, visually or verbally.
4. The regulations promulgated by the Secretary of State regarding Motor Voter programs should be revised and updated to make clear that the RMV must offer voter registration with every transaction of business, as required by state law.

5. Leadership at each branch office is crucial. The RMV should designate a coordinator for Motor Voter registration at each branch who is held accountable for the success of the program.
6. The RMV should embrace voter registration as integral to its mission and consequently should promote registration through posters and brochures prominently displayed in all branch offices.
7. As a leader in new technologies, the RMV should embrace the Motor Voter program as it develops new methods of communicating with the public.
8. The Voter Registration Reform Advisory Committee should meet regularly to help guide successful implementation of the Motor Voter laws.

The Motor Voter Laws

The Federal Law

The National Voter Registration Act of 1993 (NVRA) established procedures to increase the number of eligible citizens who register to vote in federal elections.³ The NVRA requires that states register voters outside of the traditional setting of the city or town hall. The NVRA includes the following requirements:

- **Application for a driver's license at the RMV.** (Public Law 103-31: Section 5) This provision mandates the option of voter registration when someone obtains a new license or renews a license. Voter registration applications must be submitted to the state election official.
- **Mail-In Registration.** (Public Law 103-31: Section 6) The Secretary of State is required to make mail-in voter registration forms available for distribution through governmental and private organizations, with an emphasis on providing them to organized voter registration programs.
- **Voter Registration Agencies.** (Public Law 103-31: Section 7) Each state is required to designate all agencies that provide public assistance as voter registration agencies and must include offices that provide state-funded programs for persons with disabilities. States may also designate other offices to serve as voter registration agencies. All voter registration agencies must provide the option of voter registration whenever conducting business with any individual.

The State Law

The NVRA went into effect on January 1, 1995 and required all states to develop measures to comply with the new law. Failure to do so would have left Massachusetts with a dual voter registration system -- one for state elections and another for federal elections.

Secretary of State Michael Connolly convened a Motor Voter Task Force in 1993 to determine how the state should fulfill its obligations under the NVRA. Senator Cheryl A. Jacques, Representative Warren Tolman and Representative Marc Draisen filed legislation in early 1993 to implement the NVRA. Shortly thereafter, the Legislature enacted Chapter 475 of the Acts of

³ Public Law 103-31. The National Voter Registration Act of 1993.

1993, "An Act Increasing Electoral Participation in the Commonwealth." This Act designated the RMV as a voter registration agency, along with various agencies that provide public benefits such as the Department of Transitional Assistance, Department of Medical Assistance, the Department of Public Health, and the Massachusetts Rehabilitation Commission. In addition, the state law created a Central Voter Registry (CVR) to connect the Secretary of State, the RMV, and all 351 cities and towns to one centralized database of registered voters.⁴

Chapter 475 also created a nineteen member Voter Registration Reform Advisory Commission to provide oversight for implementation of the law and a forum where stakeholders could address concerns. Twelve of its members are appointed by the Secretary of State and include city and town clerks, representatives of voter registration and education groups, community organizations and labor organizations. The remaining members include the House and Senate Chairs of the Election Laws Committee, a senator named by the Senate President, a member of the House of Representatives named by the Speaker of the House, the State Auditor or his designee and the chairs of the Democratic and Republican State Committees.

Intent of the Motor Voter Laws

Together, the federal and state Motor Voter laws were enacted to remove barriers to voter registration and increase electoral participation. By enabling potential voters to register to vote where they ordinarily interact with government, access to voter registration was expanded.⁵

Statistics from the United States Department of Transportation indicate that approximately 87 percent of persons eighteen years of age and older have a driver's license. Providing a mechanism to register to vote when people obtain or renew their driver's license was intended to increase opportunities to register to vote.

Public assistance agencies were chosen to ensure similar convenient access for the poor and disabled who do not have a driver's license.⁶ In addition, mail-in forms provide a convenient method of registration for people who are

⁴ Written Testimony from Jack McCarthy, Chief of Staff, Office of the Secretary of State. Senate Committee on Post Audit and Oversight Hearing, January 28, 1997.

⁵ FEC Guide to Implementing the NVRA. 1/1/94. Page 1-1.

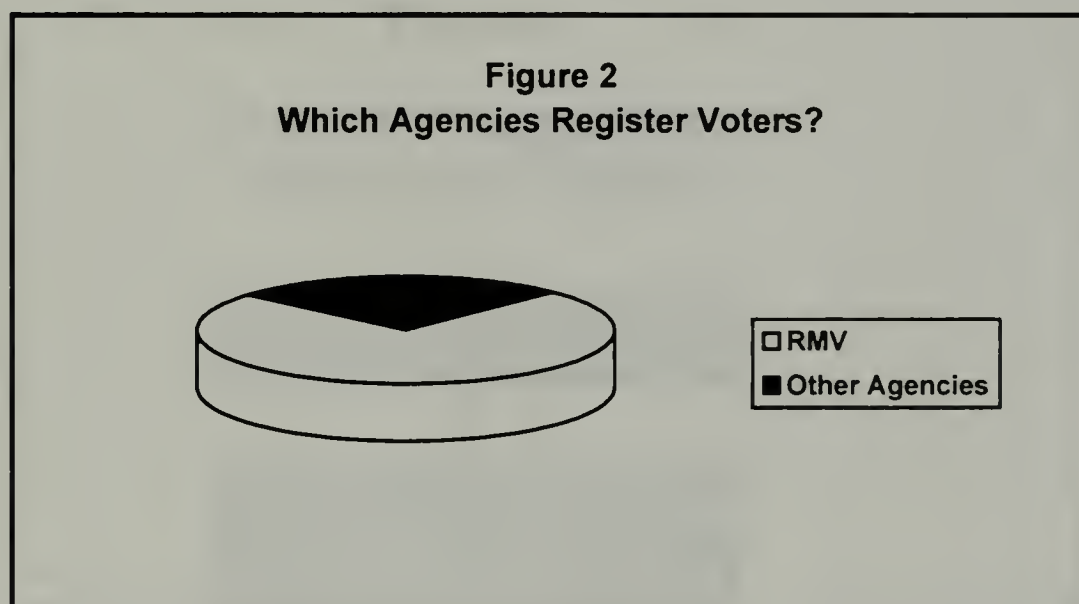
⁶ FEC Guide to Implementing the NVRA. 1/1/94. Page 1-2.

house-bound, absent from Massachusetts for a long period of time, or simply too busy to make it to the local election office during normal business hours.

Implementation

In 1995, Secretary of State William F. Galvin succeeded Secretary Connolly and oversaw the adoption of Motor Voter regulations for the RMV and all registration agencies⁷. These regulations were promulgated by the Secretary of State in April, 1995.

Through these efforts, Massachusetts has complied with the provisions of the federal Motor Voter law and registered over 428,000 voters using the new registration methods in 1995 and 1996. More than 300,000 voters used mail-in voter registration forms, over 94,500 people registered at the RMV, and the remainder registered through public assistance agencies (see Figure 2).



Each agency required to implement the Motor Voter laws developed policies to comply with Secretary Galvin's regulations with an emphasis on the training of employees and the development of a system to collect and transfer voter registration information to local city and town election officials. Local election officials retain the ultimate authority to certify voter registration status for individuals. With the exception of the RMV, all other state agencies use a

⁷ Written Testimony from Jack McCarthy, Chief of Staff, Office of the Secretary of State. Senate Committee on Post Audit and Oversight Hearing January 28, 1997. The following agencies were designated as registration agencies: Registry of Motor Vehicles, Department of Transitional Assistance, The Massachusetts Rehabilitation Commission, Commission for the Blind, Commission for the Deaf and Hard of Hearing, the Department of Mental Health, Department of Mental Retardation, Armed Services Recruitment Centers, the Secretary of the State's Elections Division, the State Archives, and the Western Division of the Secretary of the State in Springfield.

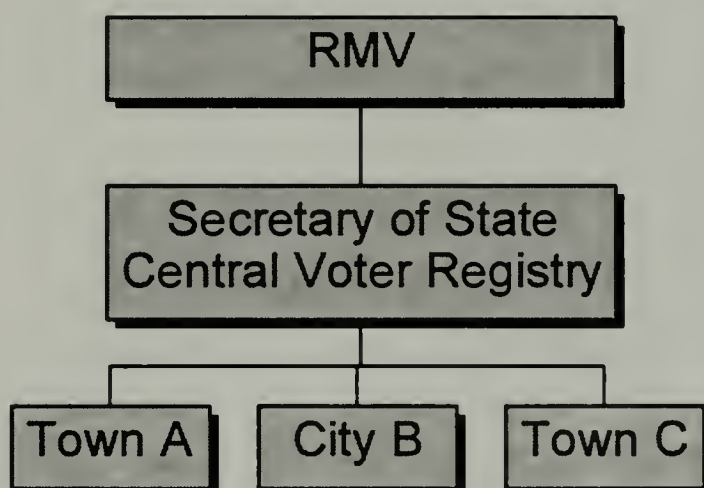
paper-based system to register voters and submit voter registration applications.

The state Motor Voter law also mandated the creation of a Central Voter Registry (CVR). The CVR is used by city and town clerks to maintain voter registration lists: essentially, the CVR is a massive database that keeps track of all 3.5 million registered voters in the Commonwealth and allows the Secretary of State to communicate electronically with city and town clerks.

All RMV offices transmit their voter registration information electronically to the Secretary of State's CVR, which then sends the information electronically to the cities and towns, where the clerk makes the final determination on whether to certify a voter registration application. The Secretary of State's office has conducted numerous training sessions with clerks regarding the CVR, and the clerks feel the new system has enabled them to successfully adapt to the demands of the Motor Voter laws.⁸

Figure 3

How RMV Registrations Reach Local Officials



With the exception of mail-in forms, the RMV has registered the bulk of new registrants under the new Motor Voter procedures. The RMV has thoroughly incorporated the voter registration process into its electronic licensing transaction system so that all licensing customers must be asked the appropriate Motor Voter questions or the transaction cannot be completed.

⁸ Testimony from City and Town Clerks. Senate Committee on Post Audit and Oversight Hearing January 28, 1997.

According to figures obtained from the RMV in July 1996, the new electronic Motor Voter process shows an average of 337 new voter registrations per day, compared to approximately 400 per week under the previous paper-based system.⁹ While the RMV has developed a first-rate program for implementing Motor Voter through its licensing operations, questions of training, leadership and implementation have diminished the RMV's overall performance on Motor Voter. Fortunately, these problems are not insurmountable.

⁹ Letter from Registrar Jerold A. Gnazzo to Senator Cheryl A. Jacques. July 19, 1996. Page 2.

The Problem

Human SERVE report shows Massachusetts lags behind other states

In 1996, Human SERVE,¹⁰ a national voter registration organization, released a study that ranked Massachusetts last among 32 states for registrations in 1995 at departments of motor vehicles with just 2,999 voters registered.¹¹ In addition, the Human SERVE report ranked Massachusetts 28th for the total number of voters registered at public assistance agencies.¹² In the mail-in registration category, Massachusetts finished 11th in total new registrants with 45,047.¹³

Some Voters lose on election day due to Motor Voter problems

As a result of election-day problems that affected more than 700 voters, the Senate Committee on Post Audit and Oversight reviewed how the Motor Voter laws worked on election day and whether citizens registered through state agencies were unfairly denied their right to vote. The Committee sent a letter to all 351 city and town clerks in the state to survey them for Motor Voter problems that residents encountered on election day.

These election day problems almost uniformly originated at the RMV, including issues related to change of address cards and data transmission.

Shut Out on Election Day

For Deborah St. Angelo of Bellingham, voting on election day was something she never passed up. But this past November, her streak was broken when the Motor Voter form she filled out at the RMV never made it to the town clerk where she had recently moved. Her husband, who registered to vote the same day at the same RMV branch office, was able to vote since his information had succeeded in reaching town hall.

¹⁰ Human SERVE is a national nonpartisan voter registration organization formed to promote the idea that citizens should be offered the opportunity to register to vote in an array of state agencies.

¹¹ Human SERVE report. March 1996. Page 5.

¹² Ibid.

Why Focus on the Registry of Motor Vehicles?

The Senate Committee on Post Audit and Oversight has reviewed compliance with the Motor Voter law by the many state agencies charged with implementing it. After examining the policies and procedures of these agencies and receiving testimony at a public hearing, the Committee chose to focus its attention on the RMV for several reasons:

- The greatest opportunity to expand voter registration lies with the RMV since most people have a driver's license. The laws are referred to as Motor Voter laws since their primary focus is registration through departments of motor vehicles.
- The federal Motor Voter law specifically focuses on departments of motor vehicles, and the state Motor Voter law reinforces that emphasis by designating the RMV as a voter registration agency.
- According to Human SERVE, Massachusetts ranked last among 32 states for registrations in 1995 at departments of motor vehicles with just 2,999 voters registered.
- The RMV was by far the greatest source of election day problems which resulted in citizens being denied the right to vote.

Investigation Highlights Concerns at RMV

In order to determine what specific problems exist at the RMV, the Bureau undertook a thorough investigation that included field visits to many of the RMV branch offices, meetings with RMV staff and management, examination of written materials furnished by the RMV, and an evaluation of how the RMV uses technology to accomplish its tasks. As a result of this work, concerns were raised in the following areas.

Inadequate Training of RMV staff

The Bureau's field research revealed inconsistencies among RMV branch offices regarding their implementation of Motor Voter laws and gaps in the knowledge of RMV staff about the voter registration process. The quality of

training of RMV personnel regarding Motor Voter laws is questionable, and it is clear that registering people to vote is not a priority for some RMV clerks.

We Don't Do That Anymore

During a field visit by the Bureau's staff to the Boston RMV office, one researcher asked a clerk on the "vehicle registration" side of the office if she could register to vote. The clerk replied, "No, we don't do that anymore. We got a memo a few months ago saying not to do that here anymore." She added, "You should just go to your town hall. It would be easier." When asked by the researcher if anybody could help her, the clerk pointed to a man at the information desk who also indicated that "actually, it'll be easier if you just go to your town hall."

- None of the RMV personnel interviewed at any branch knew that the voter registration deadline is twenty days prior to an election; in fact, one clerk stated that the deadline for registering to vote was six months prior to election day.
- One researcher was told at a branch office that she could not register to vote unless she was conducting RMV business.¹⁴ According to RMV policy, the appropriate response would have been either to hand the person a mail-in voter registration form or send them to the licensing side.
- RMV staff on the registration side provided inaccurate answers to Bureau researchers about voter registration. These answers ranged from "we don't do that here anymore" to "you should just go to your town hall, it would be easier,"¹⁵ to "Gee, I don't know. We used to. You'd be better off going to the Post Office."¹⁶
- Inconsistent or incorrect information was provided by RMV branch managers, who differed on whether they are required to offer applicants for learner's permits the opportunity to register to vote. Managers should be following the RMV's official policy which is to offer everyone the opportunity to register. City or town clerks make the final determination on whether that person will meet age eligibility criteria before election day.¹⁷

¹⁴ Post Audit and Oversight internal memorandum. September 1996. Page 10-11.

¹⁵ Ibid.

¹⁶ Post Audit and Oversight field research notes. January 2, 1997. Page 1.

¹⁷ Testimony from David Lewis, RMV. Senate Committee on Post Audit and Oversight Hearing January 28, 1997.

In interviews with Bureau staff, some branch managers said that their branch received formal training on Motor Voter, while other managers indicated no training had taken place. The training cited was provided by the Secretary of State's office and was held in 1995 soon after the law went into effect. Some branch managers reported that all staff received training, others said no one was trained on Motor Voter implementation. One manager stated: "No training is necessary, all you do is hit yes or no on the licensing screen."¹⁸

It is unclear whether training has been offered since 1995 to new employees at the RMV. Written Motor Voter training updates are provided by the RMV central administration to the branch managers, who are supposed to circulate these memos to their staff. It appears that these updates focus primarily on the voter registration portion of the RMV's electronic computer licensing process, as opposed to their broader responsibilities under the Motor Voter laws.

The Bureau also found that the RMV makes regular use of temporary workers. These temporary employees of the RMV are often thrust into the job, with basic training on the RMV's computer systems, but little, if any, training on voter registration.

The Motor Voter Task Force Report released subsequent to the enactment of the federal Motor Voter law indicated that the Secretary of State's Elections Division would provide trainers and training material. In addition, the Massachusetts Town Clerks Association offered to train agency personnel; to date, however, the Clerks Association has not been taken up on their offer to train RMV staff.

¹⁸ Post Audit and Oversight field research notes. January 2, 1997. Page 1.

Save a Trip to Town Hall

Bedford resident Roy Einreinhofer was impressed to learn he could change his voter registration at the RMV when he moved to a new town last year, but he was in for a surprise on election day. Mr. Einreinhofer was asked by an RMV clerk if he wanted to register to vote in his new town, and was told that his verbal agreement was sufficient to accomplish this. He was not asked to sign a form, and was given no receipt for his transaction. He was told he did not have to go to his new town hall. Unfortunately, the RMV clerk was misinformed and Mr. Einreinhofer's voter registration status was not changed by the RMV transaction. Mr. Einreinhofer was denied the right to vote on election day.

Confusion Regarding Change of Address Forms

For most individuals who were denied the right to vote on election day, their problems started with the completion of an orange-colored change of address card at the RMV.

Some customers were erroneously told by RMV personnel that these cards would update their voter registration records and that no trip to their own city or town hall was necessary. Other customers were asked if they wanted to change their voter registration verbally and were assured that their response would complete the process. To the contrary, a written form including a signature is required to change one's voter registration information. Still other RMV clients were told by RMV staff that completing a change of address card would suffice to update their voter registration, even if they moved to a new city or town.

According to testimony at the Committee's January 28, 1997 public hearing on Motor Voter, there was substantial confusion over the use of change of address forms at the RMV. According to a senior RMV official, when a person at the RMV completes a change of address form, they will not be registered to vote in the city or town they are moving to, though their information would be updated if they moved within a community.¹⁹ These

¹⁹ Telephone conversation with Mary Beth Corbett, Chief Legal Counsel for the Registry of Motor Vehicles, March 12, 1997.

cards are designed primarily to ask RMV customers if they want to be removed from the voter list in the city or town they are moving from.

In addition, concerns over training of RMV staff arose over the issue of change of address cards. Based on testimony from the Committee's hearing on January 28, 1997, RMV clients were told by some RMV staff that completing a change of address card would suffice to update their voter registration, even if they moved to a new city or town.

Reported Election-Day Problems The Top Ten Cities and Towns

Amesbury	31	Burlington	13
Tewksbury	21	Somerville	12
Quincy	17	East Bridgewater	10
New Bedford	15	Stoneham	10
Mansfield	14	Adams	9

This list reflects those cities and towns which had the highest number of citizens denied the right to vote on election day due to problems with the Motor Voter process. The results were obtained from a survey conducted by the Bureau of 200 communities that responded to the survey. Over 700 voters were denied ballots last November due to problems with the Motor Voter process.

Data Integrity

According to city and town clerks who testified at the Senate Committee on Post Audit and Oversight's hearing in January, 1997, some of the 700 individuals who were denied the right to vote on election day may have had their registrations disqualified due to their names being misspelled or due to inaccurate address data. It appears that some of these mistakes occurred during the data entry process at the RMV.

The Committee's research uncovered that some voter registration data was not properly transmitted between the RMV computers and local election officials through the Central Voter Registry. Many individuals who did not appear on voter lists had receipts demonstrating that they had gone through the registration process. Data integrity problems appear to be the most likely source of these people's failure to appear on voter lists.

Style over Substance

One of the great features of the RMV's new electronic licensing process is the ability to retake your picture if you don't like it. The RMV clerk will preview the photo for you, and you can decide whether to accept the photograph. While looks may be important, the information on the license is what really matters for public safety and voter registration. It is problematic that consumers at the RMV are not asked to verify their name and address.

After a person registers to vote at the RMV, their information is sent through the CVR computer system to the city or town where the person resides. The city or town clerk determines whether to certify that person's voter registration application and whether to add them to the voting list. The clerk will send out a notification card to that registrant, but if the person's address information is incorrect, the card will be returned to the clerk, indicating that the person no longer resides in the community.

Uncertainty about RMV's Legal Obligations Hampers Implementation

The state Motor Voter law included the designation of the RMV as a full-fledged registration agency, which requires them to offer any person conducting any business the opportunity to register to vote. The regulations issued by the Secretary of State's office pertaining to the RMV's obligations under Motor Voter overlook the state's inclusion of the RMV as a registration agency. As a result, the RMV does not currently offer clients the opportunity to register to vote when conducting business other than licensing, such as the registration of a newly purchased car.

A Stricter Standard in Massachusetts

- Federal law requires that “each state motor vehicle driver’s license application ...shall serve as an application for voter registration” (42 U.S.C. 1973gg-3).
- Federal law also allows states to designate “voter registration agencies” which shall “distribute with each application for service or assistance the mail voter registration application forms.” (42 U.S.C. 1973gg-5).
- The Massachusetts Motor Voter law states that “the registry of motor vehicles shall act as a ‘registration agency’...and shall perform all duties established under state and federal law therefore...the registry shall comply with the provisions of 42 U.S.C. 1973gg-3 and 1973gg-5 of the National Voter Registration Act of 1993.”

Lack of Leadership in RMV Branch Offices for Motor Voter

According to the FEC Guide to Implementing the NVRA, a principal ingredient of a successful agency voter registration program is leadership. To succeed, each office must have a designated person who is responsible for and enthusiastic about voter registration activities -- ensuring an adequate supply of forms, monitoring voter registration activities, training new employees, and resolving questions and problems that arise in coordination with state or local election officials. While this does not have to be a full-time task, it must be an ongoing effort.²⁰

The inconsistencies in training, knowledge, and procedures found by the Post Audit Bureau field investigation illustrate a lack of leadership. In addition, there is a demonstrable lack of enthusiasm for Motor Voter among front-line RMV personnel that emanates from a lukewarm commitment at both the branch management level and among senior RMV management. As one city clerk stated at the Committee’s hearing, “they do it, but they don’t want to do it.”²¹

²⁰ The FEC Guide to Implementing the NVRA. Page 4-9.

²¹ Carol A. Templeton, City Clerk, Malden MA. Oral testimony before the Senate Committee on Post Audit and Oversight. January 28, 1997.

Compliance With Legal Posting Requirements

Each RMV branch office is required by Section 5 of the state's Motor Voter law to comply with several posting requirements as outlined in the *Voter Registration Workbook for the RMV, Spring 1995*. These postings outline punishments for providing false information during voter registration, assisting someone in taking a false oath of voter registration or disrupting a voter registration process.²² The Committee's field researchers found that while some RMV branch offices had these postings, many did not.

Extent of Public Information Provided on Motor Voter

According to the federal Motor Voter law, one of the purposes of the law was to establish procedures to increase the number of eligible citizens who register to vote.²³ In order to fulfill this purpose, the RMV not only needs to develop the technical capabilities to register voters in its offices, but it must also inform its clients that they have the option to register to vote there. Provision of such information is clearly within the spirit of the law.

Through its field work, the Bureau's researchers examined to what extent RMV offices provided clients with mail-in voter registration forms as well as information on voter registration. Most of the RMV offices had mail-in registration forms, although they were not always prominently displayed. The Committee's research found that most RMV clerks have no mail-in forms at their stations.

When a customer enters an RMV office, it is highly unlikely they would realize they could register to vote there based on the information displayed. Only one of the RMV offices visited by the Bureau's researchers had a poster entitled "Why not register to vote today," although several had posted a list of frequently asked questions about the Motor Voter program. On a positive note, the RMV has recently included information on the Motor Voter program in its newly revised Driver's Manual.

Failure to Use Advanced Technologies to Promote Motor Voter

The RMV has developed an excellent homepage on the Internet's World Wide Web that informs customers about the hours of operation, branch locations, directions, what business can be conducted there, and provides other useful information. The only mention of voter registration is contained

²² Postings pertain to sections seven, eight, and nine of Chapter 56 of Massachusetts General Laws.

²³ Public Law 103-31. The National Voter Registration Act of 1993.

within a section on the RMV's Driver's Manual. No other mention is made about voter registration on the homepage and a word search for "motor voter" and "voter registration" yielded no information.

The law precludes voter registration over the Internet due to the need for a signature. However, it does not prevent the RMV from offering information on Motor Voter. The RMV's registration renewal by phone program could also include a promotion of voter registration, and provide for mail-in forms to be sent to customers. Finally, the RMV utilizes electronic kiosks in its branch offices for testing driver's license or permit applicants. There is no information that appears on the screen prior to, during, or after the administration of this test informing the applicant of the Motor Voter program.

Lack of Oversight for Implementation of Motor Voter

The state's Motor Voter law calls for the creation of a Voter Registration Reform Advisory Commission to provide a forum for resolving problems with implementation.²⁴ All appointments have been made to the Commission. To date, however, the Commission has never held a single meeting.

²⁴ This Commission consists of 19 members, twelve appointed by the Secretary of State (two town clerks, two city clerks or election commissioners, two representatives of non-governmental voter registration entities, two representatives of voter education groups, one representative of a community organization, and two representatives of labor organizations) plus the House and Senate Chairmen of the Election Laws Committee, one member of the House appointed by the Speaker and one member of the Senate, appointed by the President, the State Auditor or designee, and the Chairs of the State Democratic and Republican Committees or their designees.

Findings and Recommendations

Finding 1

♦ **Inadequate Training of RMV staff on the Motor Voter Program Contributes to Confusion for Prospective Voter Registrants**

There is inconsistent implementation of Motor Voter laws from one RMV branch office to another, and from one RMV clerk to another. Some RMV managers contend that everyone in their branch was trained by the Secretary of State's office, while others insist that no training occurred. Still others believe that there is no need for training. Motor Voter training provided by the Secretary of State in 1995 may not have been repeated for newly hired employees, or temporary workers.

Written Motor Voter updates have been produced for RMV staff, but the focus is primarily on computer-related questions dealing with the licensing component of the Motor Voter program. These updates do not provide a larger context for understanding the law. As a result, RMV clerks are often unsure of their obligations under the Motor Voter laws, are unable to answer basic questions about the law, and are unenthusiastic about the program. Many of the problems cited in this report can be traced to misinformation given to clients by poorly-trained RMV clerks.

Recommendation 1

♦ **RMV Should Develop A Motor Voter Training Program**

Improved training of RMV staff is critical to providing citizens with the opportunity to register to vote. The RMV, in conjunction with local RMV branch management, the Secretary of State's office, and the City and Town Clerks Associations should establish and implement an ongoing training program to ensure that every clerk and manager, regardless of their position within a branch RMV office, can at the very least do the following:

- properly register to vote any person conducting any business at the RMV in compliance with state and federal Motor Voter laws;
- answer basic questions about registering to vote, such as registration deadlines, party designations, change of address forms, etc.

A voter registration certification program should be included as part of the training for all RMV personnel, whether they be temporary or permanent. In addition, a "frequently asked questions" sheet should be developed for distribution at all RMV branch offices.

Finding 2

♦ Change of Address Procedures Created Election Day Problems

According to RMV policy, when a customer completes a change of address form, this action does not serve to register them to vote if they are moving to a new city or town. RMV customers have been erroneously informed by RMV clerks that change of address forms will serve to update their voter status and that they do not have to go to their new city or town hall.

Recommendation 2

♦ Clarify Change of Address Procedures

New procedures need to be developed at the RMV to simplify the change of address process. These changes should enable people to update their voter registration status by filling out a change of address card with the required signature. According to RMV officials, a form that will update voter registration status and change a customer's address is currently being developed. This policy change is essential and should take place as soon as possible to prevent future confusion.

Finding 3

♦ Data Entry Problems at the RMV Can Make a Voter Ineligible On Election Day

When receiving a license at the RMV, misspellings or omissions can prevent a voter from being certified by a city or town clerk. A voter may not appear on a local voter list if the clerk at the RMV misspells their name, merely substitutes "street" for "road," or omits an apartment number.

Recommendation 3

◆ Improve Data Integrity

The RMV needs to develop a mechanism to ensure that names and addresses of voter registrants are transmitted correctly to the CVR and then to local clerks. To remedy data integrity problems, RMV clerks should ask customers to confirm information, either visually or verbally, prior to completing the transaction. Clerks should also specifically ask if an address includes an apartment number.

Finding 4

◆ Confusion Over RMV's Motor Voter Obligations Reduces Opportunities for Voter Registration

The RMV has developed thorough procedures to register customers to vote during its electronic licensing process. This fulfills a great portion of their legal obligation under the Motor Voter laws. However, the Federal Motor Voter law requires a designated voter registration agency to provide a voter registration form with each and every transaction. In the state's Motor Voter law, the Legislature specifically named the RMV a voter registration agency pursuant to federal law. However, the Motor Voter regulations developed by the Secretary of State following passage of the state law do not include any requirement for the RMV to provide voter registration opportunities outside of a licensing transaction. As a result, RMV customers are not asked to register to vote when they conduct any business other than a licensing transaction, such as registering a newly-purchased car.

Recommendation 4

◆ Make the Regulations Match the Law

In order for the RMV to comply with its requirements as a designated voter registration agency, the regulations relating to Motor Voter laws should include the requirement that RMV clerks ask all customers at the RMV, regardless of the type of business being transacted, if they would like to register to vote, and at the very least provide mail-in voter registration forms.

Finding 5

♦ Minimal Information is Available on Motor Voter at RMV offices

The Bureau's research uncovered that little, if any, information is available within RMV branch offices promoting Motor Voter. Some RMV offices did not have mail-in voter registration forms in an accessible place and others were missing the required legal postings on voter registration.

Recommendation 5

♦ The RMV Must Actively Promote Motor Voter laws at its Branch Offices

To increase the number of individuals who utilize the Motor Voter system, posters, brochures, mail-in forms and other information should be prominently displayed in the branch offices. These displays should inform customers about the Motor Voter program. In addition, a brochure which answers frequently asked questions should be published and made available.

The RMV should work with the Secretary of State's office and other private voter registration groups to develop an aggressive promotional program for all branch offices. In addition, the RMV should conduct a survey of its clients to determine how consumers view the Motor Voter program and how voter registration can be improved.

Finding 6

♦ There is a Lack of Strong, Enthusiastic Leadership for the Motor Voter Program Within Each RMV Branch Office

Within most RMV branch offices, there was a noticeable lack of enthusiasm for the Motor Voter program. This was evident by the manner in which customers were asked if they would like to register to vote, the suggestions that going to town hall would be a better idea, and the inability of staff to provide answers to basic questions about voter registration.

Recommendation 6

♦ The RMV Should Have a Designated Coordinator for Motor Voter in Each Branch Office

According to the Federal Election Commission, one of the most critical aspects of administering a successful Motor Voter program is the need to appoint someone in each office to be in charge of, responsible for, and enthusiastic about all voter registration activities - ensuring an adequate supply of forms, monitoring voter registration activities, training new employees, and resolving coordination issues with other state and local officials. The RMV should appoint a designated "Motor Voter coordinator" within each branch office to fulfill this essential function.

Finding 7

♦ The RMV Fails to Promote Motor Voter through New Technologies

The RMV has successfully utilized computer and telecommunication technologies to enhance its operations. However, these technologies have not been used to promote the Motor Voter program. For example, the RMV's World Wide Web homepage informs customers about all aspects of the RMV's operations, but fails to highlight voter registration. There is no capacity for a mail-in form to be requested electronically. Only the new Driver's Manual mentions the RMV's responsibility to offer registration to patrons.

The RMV's registration renewal by phone program makes no mention of Motor Voter, nor does it ask customers if they would like a mail-in voter registration form sent to them. Finally, the electronic kiosks used for testing driver's license or permit applicants contain no information that appears on the screen prior to, during, or after the administration of the test informing the applicant of the Motor Voter program.

Recommendation 7

♦ The RMV Should Incorporate Motor Voter Information Whenever it Uses New Technologies

The RMV should include information on the Motor Voter program in its use of new technologies. A portion of the World Wide Web homepage should highlight voter registration and provide an opportunity to request a mail-in

form. Likewise, the testing kiosks should include a screen on the Motor Voter program, and the registration-by-phone system should provide the customer with information on voter registration and the opportunity to receive a mail-in form.

Finding 8

♦ There is Inadequate Oversight for Implementation of Motor Voter

The state's Motor Voter law mandates the creation of a Voter Registration Reform Advisory Commission. However, this body has never held a single meeting, thus eliminating a logical forum for implementation efforts to be evaluated on an ongoing basis.

Recommendation 8

♦ The Voter Registration Reform Advisory Commission Should be Convened and Should Meet Regularly to Provide Oversight and Input

In order to fulfill the requirements of Section 54 of the state Motor Voter law and to provide for ongoing oversight, the Voter Registration Reform Advisory Commission should meet regularly to help guide implementation of Motor Voter laws.

Conclusion

The Senate Committee on Post Audit and Oversight has completed a thorough investigation of compliance with federal and state Motor Voter laws in Massachusetts. On the whole, the laws work and are constructive tools to encourage voter participation. More than 428,000 citizens have registered by mail, at RMV branch offices, or when applying for state benefits.

However, the Committee has also documented more than 700 instances where Massachusetts residents who thought they had registered through Motor Voter procedures were either turned away from the polls or had difficulty voting during last November's general election. As long as Massachusetts citizens are being denied the right to vote, state government can never be satisfied with its performance under the Motor Voter laws.

This investigation found a number of serious flaws in how the RMV has implemented the Motor Voter laws. In particular, many of the election day problems last November have their source at the RMV, and the agency is not reaching its potential under the program. We can and must do better.

